

McLaughlin 10/015,798, Group 3813. Assistant Examiner A. Rade

EXHIBIT A

17. A method of seeking to retrieve [1] a lost item which method comprises:

impacting to an outer surface of said item a hologram [2] selectively responsive [3] to a laser beam having an explicit [4] wave length selected from the atmosphere-penetrating [5] group consisting of 880 nm., 1310 nm., and 1550 nm. [6];

directing from a monitoring device controlled by the searcher and initially remote from said lost item a laser beam having the explicit wavelength corresponding to said hologram[2], said laser beam being directed into a search zone in which the lost item is believed to be;

amplifying an electric signal indicative of the intensity of the feedback[7] light from such zone;

using the amplified signals from such monitoring device for evaluating the whereabouts of said lost item while approaching the targeted zone of such hologramized[2] item, whereby the temporarily lost item becomes visible to the searcher.

The data concerning the support for the terminology refers to the 1 1/2 spaced specification.

[1] Original claim 3 was directed to the monitoring device, as were replacement claims 9 and 16, so that claim 17 is consistent with previous prosecution. Applicant primarily needs the apparatus claims because only the layman would infringe the method claims, and without the apparatus claims, a manufacturer could avoid contributory infringement by showing the usefulness of the apparatus for any conceivable method other than the patented method. Applicant contends that the method and apparatus claims should issue in the same case, but that if there must be two patents, then applicant's election would necessarily be for the apparatus.

[2] the "retrieval system" at pg. 4, ln. 25 supports the use of "retrieve" in the claims

[3] The specification refers to a lost item, and provides examples of model airplanes, wandering sheep, etc. pg. 3 ln. 4; pg. 6, ln. 7.

[4] "hologram" and modifications thereof have been noted at pg. 3, ln. 9; pg. 3, ln. 14; pg. 3, ln. 17; pg. 3, ln. 18; pg. 3, ln. 22; pg. 3, ln. 26; pg. 5, ln. 23.

[5] "selectively responsive" pg. 3, lns 15-16

[6] the Markush Group is unambiguous, not subject to criticism as indefinite, and is supported at pg.3, lns. 11-15.